



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

George Dean Hone

Serial No.: 09/711,129

Filed: November 12, 2000

For: PASSENGER LOADING BRIDGE

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APPEAL BRIEF

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Attn: Board of Patent Appeals and Interferences

Sirs:

This appeal brief is submitted in triplicate and in the format of 37 C.F.R. § 1.192(c). A check in the amount of \$165.00 for the fee under 37 C.F.R. § 1.17(c) for filing a brief in support of an appeal is enclosed.

REAL PARTY IN INTEREST

The real party in interest is FMC Technologies, Inc., assignee of the pending application as recorded with the United States Patent and Trademark Office on December 20, 2001, Reel 012698, Frame 0212.

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RELATED APPEALS AND INTERFERENCES

None of the appellants, the appellants' representative, or the assignee is aware of any pending appeal or interference which would directly affect, be directly affected by, or have any bearing on the Board's decision in the present pending appeal.

STATUS OF THE CLAIMS

Claims 1 through 17 are currently pending in the application and stand rejected.

No claims are allowed.

The rejection of claims 1 through 17 is being appealed.

STATUS OF THE AMENDMENTS

The appellants filed an amendment making changes to claims 1, 6, and 7, and adding new claims 11 through 17 in an Amendment filed January 2, 2003. The amendments and new claims were entered as indicated in the Final Office Action dated February 25, 2003. (*See, Final Office Action* of February 25, 2003, pages 2-7).

No other amendments to the claims have been filed, but other communications arguing patentability have been submitted.

SUMMARY OF THE INVENTION

The invention contemplates a passageway formed of a floor element and two wall elements positioned on the floor element spacedly apart from one another and extending upright from the floor element. (*See, Specification* as-filed, page 6, lines 5-14; FIG. 1; page 7, lines 10-13, and FIG. 3). The invention further contemplates a ceiling element positioned atop the two walls to form a covered passageway. (*See, Id.* at page 3, lines 22-23). The floor element, the two wall elements and the ceiling element are formed of one or more panels of composite materials produced by a pultrusion process. (*See, Id.* at page 7, lines 17-19). The passageway is used to facilitate passenger travel from the terminal to a moveable portion of the bridge which intercooperates with a distal end of the passageway. (*See, Id.* at page 3, lines 25-27 and page 6, lines 6-8). The instant passageway, when used in conjunction with the movable portion of the

bridge, facilitates passenger travel from an airport terminal structure to an aircraft parked proximate to the terminal structure. (*See, Id.* at page 6, lines 6-14).

A pultruded panel employed in the instant construction may be formed in a honeycomb type structure thereby providing one or more elongate compartments or channels which extend along the length of the panel. (*See, Id.* at page 8, lines 1-2 and page 9, lines 26-28). In constructing a wall, floor or channel element from these panels, the panels may be positioned to define a compartment or channel which extends uninterrupted along the length of the wall, floor or ceiling. (*See, Id.* at page 9, line 26 through page 10, line 3). These compartments or channels may be dimensioned to receive and retain electrical wiring for servicing the various power driven apparatus within the bridge. (*See, Id.* at page 9, lines 4-7). The compartments or channels may further be utilized to receive ducting or piping for transmitting conditioned air or water along the length of the bridge for servicing the bridge of the aircraft. (*See, Id.* at page 10, lines 3-5). The compartments or channels may be filled or partially filled with insulation thereby controlling the heat loss to or from the interior of the bridge structure. (*See, Id.* at page 10, lines 5-6).

The use of panels provides a construction which gives a high structural strength while also minimizing weight. (*See, Id.* at page 4, lines 12-14 and page 7, lines 19-29). The panels form modular elements which may be positioned in different orientations to produce passageway constructions which are difficult to achieve with conventional metal construction techniques. (*See, Id.*). Since the composite material is highly resistant to corrosion and rust, a passageway constructed from composite panels avoids many of the problems associated with conventional metal, e.g., steel, bridge constructions. (*See, Id.* at page 4, lines 16-19). The use of a honeycomb construction also allows for the construction of a structure with a high insulation value in contrast to the high heat loss associated with conventional metal bridge constructions. (*See, Id.* at page 4, lines 20-21).

ISSUES

I. Whether claim 1 is unpatentable under 35 U.S.C. § 103(a) over Veenema (U.S. Pat. 3,989,157) in view of Auer (U.S. Pat. 4,557,091).

II. Whether claims 2 through 5 are unpatentable under 35 U.S.C. § 103(a) over Veenema and Auer as applied to claim 1, and further in view of De Zen (U.S. Pat. 6,189,269).

III. Whether claims 6 through 17 are unpatentable under 35 U.S.C. § 103(a) over Veenema and Auer, and further in view of De Zen.

GROUPING OF THE CLAIMS

For purposes of this appeal, the grouping of the claims is as follows:

- (a) Claim 1 recites a boarding bridge comprising a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft, having an improvement comprising a floor element; two wall elements positioned atop the floor element, the wall elements being positioned spacedly apart from one another and extending uprightly from the floor element; a ceiling element positioned atop the wall elements; and wherein the floor element, the wall elements and the ceiling element are fabricated from at least one pultruded panel.

For purposes of this appeal, claim 1 stands alone.

- (b) Claim 2 recites the passageway of claim 1, wherein the at least one pultruded panel defines a honeycomb cross section and at least one elongate channel therein dimensioned to receive and retain wiring for servicing the passageway.

For purposes of this appeal, claim 2 stands alone.

- (c) Claim 3 recites the passageway of claim 1, wherein the floor element, the wall elements, and the ceiling element are each fabricated from a plurality of pultruded panels, each of the pultruded panels defining a honeycomb cross-section and having a longitudinal axis, the longitudinal axes of the pultruded panels being oriented parallel to a longitudinal axis of the passageway.

For purposes of this appeal, claim 3 stands alone.

- (d) Claim 4 recites the passageway of claim 1, wherein the wall elements are each fabricated from a plurality of pultruded panels, each of the pultruded panels defining a honeycomb cross-section and having a longitudinal axis, the

longitudinal axes of the pultruded panels of the wall elements being oriented orthogonal to a longitudinal axis of the passageway.

For purposes of this appeal, claim 4 stands alone.

- (e) Claim 5 recites the passageway of claim 4, wherein the ceiling element is fabricated from a plurality of pultruded panels, each of the pultruded panels having a longitudinal axis, the longitudinal axes of the pultruded panels of the ceiling element being oriented orthogonal to the longitudinal axis of the passageway.

For purposes of this appeal claim 5 stands alone.

- (f) Claim 6 recites a passageway for placement between an aircraft terminal and an aircraft for interconnecting the aircraft terminal with the aircraft, having an improvement comprising a plurality of passageway modules, each module comprising a floor element; two wall elements positioned atop the floor element, the wall elements being positioned spacedly apart from one another and extending uprightly from the floor element; a ceiling element positioned atop the two wall elements; wherein the floor element, the wall elements and the ceiling element are fabricated from at least one pultruded panel defining a honeycomb cross section. The improvement further comprises a connection structure for interconnecting the modules, one to another at their respective ends to form a continuous passageway.

For purposes of this appeal, claim 6 stands alone.

- (g) Claim 7 recites the passageway of claim 6, the improvement further comprising a connection structure for interconnecting the modules, one to another at their respective ends to form a continuous passageway. In claim 7, the passageway comprises a pair of frame structures, the frame structures having an upwardly extending ear and a downwardly extending ear; a first pair of angle defining elongate connection elements for inter-cooperating with the upwardly extending ear and two ceiling elements of the modules; a second pair of angle defining elongate connection elements for inter-cooperating with the downwardly extending ear and two floor elements of the modules; and an engaging structure

for interconnecting the first pair of angle defining elongate connection elements with the pair of frame structures and for interconnecting the second pair of angle defining elongate connection elements with the pair of frame structures.

For purposes of this appeal, claim 7 stands alone.

- (h) Claim 8 recites the passageway of claim 7, wherein the frames are quadrilateral in configuration and wherein each frame defines a passageway opening therethrough.

For purposes of this appeal, claim 8 stands alone.

- (i) Claim 9 recites the passageway of claim 7, wherein the engaging structure comprises a nut and bolt combination.

For purposes of this appeal, claim 9 stands alone.

- (j) Claim 10 recites the passageway of claim 7, wherein each frame includes an engagement surface configured to abut against a surface of the module sufficient to permit an adhesive bond between the engagement surface and the module surface.

For purposes of this appeal, claim 10 stands alone.

- (k) Claim 11 recites a passageway for placement between an aircraft terminal and an aircraft for interconnecting the aircraft terminal with the aircraft, the passageway comprising a plurality of passageway modules having an improvement in each of the passageway modules consisting essentially of: a floor element; two wall elements positioned atop the floor element, the wall elements being positioned spacedly apart from one another and extending uprightly from the floor element; a ceiling element positioned atop the two wall elements; wherein the floor element, the wall elements and the ceiling element are fabricated from at least one pultruded panel defining a honeycomb cross section; and connection structure for interconnecting the modules, one to another at their respective ends to form a continuous passageway, wherein the connection structure further comprises a pair of frame structures having an upwardly extending ear and a downwardly extending ear; a first pair of angle defining elongate connection elements for inter-cooperating with the upwardly extending ear and two ceiling elements of the

modules; a second pair of angle defining elongate connection elements for inter-cooperating with the downwardly extending ear and two floor elements of the modules; and engaging structure for interconnecting the first pair of angle defining elongate connection elements with the pair of frame structures and for interconnecting the second pair of angle defining elongate connection elements with the pair of frame structures.

For purposes of this appeal, claim 11 stands alone.

- (l) Claim 12 recites the passageway of claim 11, wherein the frames are quadrilateral in configuration and wherein each frame defines a passageway opening therethrough.

For purposes of this appeal, claim 12 stands alone.

- (m) Claim 13 recites the passageway of claim 11, wherein each frame includes an engagement surface configured to abut against a surface of the module sufficient to permit an adhesive bond between the engagement surface and the module surface.

For purposes of this appeal, claim 13 stands alone.

- (n) Claim 14 recites the passageway of claim 12, wherein the at least one pultruded panel defines a honeycomb cross section and at least one elongate channel therein dimensioned to receive and retain wiring for servicing the passageway.

For purposes of this appeal, claim 14 stands alone.

- (o) Claim 15 recites the passageway of claim 14, wherein the floor element, the wall elements and the ceiling element are each fabricated from a plurality of pultruded panels, each of the pultruded panels defining a honeycomb cross-section and having a longitudinal axis, the longitudinal axes of the pultruded panels being oriented parallel to a longitudinal axis of the passageway.

For purposes of this appeal, claim 15 stands alone.

- (p) Claim 16 recites the passageway of claim 14, wherein the wall elements are each fabricated from a plurality of pultruded panels, each of the pultruded

panels defining a honeycomb cross-section and having a longitudinal axis, the longitudinal axes of the pultruded panels of the wall elements being oriented orthogonal to a longitudinal axis of the passageway.

For purposes of this appeal, claim 16 stands alone.

(q) Claim 17 recites the passageway of claim 14, wherein the ceiling element is fabricated from a plurality of pultruded panels, each of the pultruded panels having a longitudinal axis, the longitudinal axes of the pultruded panels of the ceiling element being oriented orthogonal to the longitudinal axis of the passageway.

For purposes of this appeal, claim 17 stands alone.

ARGUMENT

Claim Interpretation

Independent claims 1, 6 and 11 are Jepson-type claims in accordance with 37 C.F.R. 1.75(e). Appellant respectfully submits that the Examiner is misconstruing the scope of claims 1, 6 and 11. The Final Office Action states “the preamble elements in a Jepson-type claim (i.e., a claim of the type discussed in 37 CFR 1.75(e) are impliedly admitted to be old in the art. Applicant even admits on page 2, lines 11-13 that ‘[t]he use of boarding bridges for facilitating the movement of passengers and cargo from a terminal building to an aircraft parked proximate thereto is well known.’ ... Therefore, the Jepson-type format used in claims 1, 6, and 11 is considered part of the admitted prior art.” (Final Office Action mailed February 25, 2003, page 8).

However, appellants respectfully submit that the elements in the preamble of a Jepson-type claim are also elements of the claimed invention even if they are part of the prior art. As stated by the Federal Circuit, in a Jepson-type claim “the claim preamble defines not only the context of the claimed invention, but also its scope.” (*Rowe v. Dror*, 112 F.3d 473, 479, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997)). Thus, “the claimed invention consists of the preamble in combination with the improvement.” (*Pentec, Inc. v. Graphic Controls Corp.*, 776 F.2d 309, 315, 227 USPQ 766, 772 (Fed. Cir. 1985)). Accordingly, since “the preamble is a limitation in a

Jepson-type claim,” the elements in the preamble of claims 1, 6 and 11 are also structural elements of the claimed invention. (*Epcon Gas Systems, Inc. v. Bauer Compressors, Inc.*, 279 F.3d 1022, 1029, 61 USPQ2d 1470, 1477 (Fed. Cir. 2002)).

Therefore, the portion of claim 1 reciting “a boarding bridge, a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft” is an element of claim 1 and must be considered in rendering a patentability determination. Similarly, the portion of claim 6 reciting a “passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft” is an element of claim 6 and must be considered in rendering a patentability determination. Further, the portion of claim 11 stating a “passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, said passageway comprised of a plurality of passageway modules” is an element of claim 11 and must be considered in rendering a patentability determination.

Rejections under 35 U.S.C. § 103

The obviousness rejections set forth in the Final Office Action were directed at the specific elements of the improvements of the claimed passageway, and not at the improved passageway of the preamble in combination with the elements of the preamble. “When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole.” (M.P.E.P. § 2141.01). Therefore, the elements recited in the preamble of the pending Jepson-type claims must be addressed in addition to the elements of the improvement in rendering a patentability determination. To establish a *prima facie* case of obviousness, the elements of the preamble must be combined or modified with the various elements of the improvements.

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Veenema in view of Auer.

A *prima facie* case of obviousness cannot be established for claim 1 since the cited

references do not teach or suggest each and every element of claim 1. The elements in the preamble of claim 1 are elements of the claimed invention and, therefore, to establish obviousness the cited references must teach or suggest all of the elements of the claimed invention including “a boarding bridge, a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft.” Neither Veenema nor Auer teach or suggest a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft as required to establish a *prima facie* case of obviousness.

Further, the cited references do not include a suggestion or motivation to modify or combine the reference teachings to arrive at the claimed invention. The Final Office Action indicates “when the front and rear panels function as a door by sliding between the flanges of the vertical rails, the entire container of Veenema qualifies as a ‘passageway’, since it is ‘a way that allows passage.’” (Final Office Action, at page 9). However, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” (M.P.E.P. § 2143.01, *citing In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (emphasis in original)). Therefore, since the cited references do not suggest or motivate modifying the container to be configured as a passageway or modifying the container to be configured as a boarding bridge, a *prima facie* case of obviousness cannot be established.

Claims 2 through 5

Claims 2 through 5 stand rejected as assertedly being unpatentable over Veenema and Auer as applied to claim 1, and further in view of De Zen.

Claims 2-5 are non-obvious, at the very least, as depending from non-obvious independent claim 1. (*See, In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Separate Patentability of Claim 2

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 2 further defines the invention of claim 1. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “at least one pultruded panel defines a honeycomb cross section and at

least one elongate channel therein dimensioned to receive and retain wiring for servicing said passageway,” and, thus, cannot render dependent claim 2 obvious.

Separate Patentability of Claim 3

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 3 further defines the invention of claim 1. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said floor element, said wall elements and said ceiling element are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels being oriented parallel to a longitudinal axis of said passageway,” and, thus, cannot render dependent claim 3 obvious.

Separate Patentability of Claim 4

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 4 further defines the invention of claim 1. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said wall elements are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels of said wall elements being oriented orthogonal to a longitudinal axis of said passageway,” and, thus, cannot render dependent claim 4 obvious.

Separate Patentability of Claim 5

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 5 further defines the invention of claim 4. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said ceiling element is fabricated from a plurality of pultruded panels, each of said pultruded panels having a longitudinal axis, said longitudinal axes of said pultruded panels of said ceiling element being oriented orthogonal to said longitudinal axis of said passageway,” and, thus, cannot render dependent claim 5 obvious.

Claims 6 through 17

Claims 6 through 17 stand rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Veenema and Auer, and further in view of De Zen.

A *prima facie* case of obviousness cannot be established with regard to independent claim 6 or 11 since the cited references do not teach or suggest each and every element of independent claim 6 or independent claim 11. Claim 6 is directed to “a passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, wherein the improvement in said passageway comprises: a plurality of passageway modules.” Claim 11 recites in part a “passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, said passageway comprised of a plurality of passageway modules.” The cited references do not teach or suggest a passageway for placement between an aircraft terminal and an aircraft as required by independent claims 6 or 11 in order to establish a *prima facie* case of obviousness.

The Final Office Action indicates “[w]ith respect to the recitations in lines 4-6, 7-9, and 10-13, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.” (Final Office Action at page 6, *citing Ex parte Masham*, 2 USPQ2d 1647 (1987)). However, the claim at issue in *Ex parte Masham* was not a Jepson-style claim, rather the preamble of the claim in *Ex part Masham* recited “[a]n apparatus for mixing flowing developer material.” (*Ex parte Masham* at 1647). Further, claims 6 and 11 are not intended to be used as a passageway, rather claims 6 and 11 actually **claim** a passageway. Thus, the elements of the preamble must be considered. Also, neither the container of Veenema nor the extruded structural system of Auer, alone or in combination, satisfies the claimed structural limitations of claim 6 or 11.

A *prima facie* case of obviousness also cannot be established since the cited references do not suggest or motivate a modification or combination of the teachings of the cited references. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” (M.P.E.P. § 2143.01, *citing In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (emphasis in original)). In fact, neither Veenema nor Auer, alone or in combination, even

mentions the terms “passage” or “aircraft.” Therefore, since the cited references do not suggest or motivate a passageway between an aircraft terminal and an aircraft including the structural limitations of claim 6 or 11, a *prima facie* case of obviousness cannot be established.

Claims 7 through 10 are non-obvious, at the very least, as depending from non-obvious independent claim 6 and claims 12 through 17 are non-obvious, at the very least, as depending from non-obvious independent claim 11.

Separate Patentability of Claim 7

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 7 further defines the invention of claim 6. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said connection structure comprises: a pair of frame structures, said frame structures having an upwardly extending ear and a downwardly extending ear; a first pair of angle defining elongate connection elements for inter-cooperating with said upwardly extending ear and two ceiling elements of said modules; a second pair of angle defining elongate connection elements for inter-cooperating with said downwardly extending ear and two floor elements of said modules; and engaging structure for interconnecting said first pair of angle defining elongate connection elements with said pair of frame structures and for interconnecting said second pair of angle defining elongate connection elements with said pair of frame structures,” and, thus, cannot render dependent claim 7 obvious.

Separate Patentability of Claim 8

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 8 further defines the invention of claim 7. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said frames are quadrilateral in configuration and wherein each said frame defines a passageway opening therethrough,” and, thus, cannot render dependent claim 8 obvious.

Separate Patentability of Claim 9

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 9 further defines the invention of claim 7. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said engaging structure comprises a nut and bolt combination,” and, thus, cannot render dependent claim 9 obvious.

Separate Patentability of Claim 10

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 10 further defines the invention of claim 7. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein each said frame includes an engagement surface configured to abut against a surface of said module sufficient to permit an adhesive bond between said engagement surface and said module surface,” and, thus, cannot render dependent claim 10 obvious.

Separate Patentability of Claim 12

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 12 further defines the invention of claim 11. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said frames are quadrilateral in configuration and wherein each said frame defines a passageway opening therethrough,” and, thus, cannot render dependent claim 12 obvious.

Separate Patentability of Claim 13

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 13 further defines the invention of claim 11. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein each said frame includes an engagement surface configured to abut against a surface of said module sufficient to permit an adhesive bond between said engagement surface and said module surface,” and, thus, cannot render dependent claim 13 obvious.

Separate Patentability of Claim 14

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 14 further defines the invention of claim 12. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said at least one pultruded panel defines a honeycomb cross section and at least one elongate channel therein dimensioned to receive and retain wiring for servicing said passageway,” and, thus, cannot render dependent claim 14 obvious.

Separate Patentability of Claim 15

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 15 further defines the invention of claim 14. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said floor element, said wall elements and said ceiling element are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels being oriented parallel to a longitudinal axis of said passageway,” and, thus, cannot render dependent claim 15 obvious.

Separate Patentability of Claim 16

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 16 further defines the invention of claim 14. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said wall elements are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels of said wall elements being oriented orthogonal to a longitudinal axis of said passageway,” and, thus, cannot render dependent claim 16 obvious.

Separate Patentability of Claim 17

Pursuant to 37 C.F.R. § 1.192(c)(7), appellants point out that dependent claim 17 further defines the invention of claim 14. De Zen does not, alone or in combination with Veneema or Auer, teach or suggest “wherein said ceiling element is fabricated from a plurality of pultruded panels, each of said pultruded panels having a longitudinal axis, said longitudinal axes of said

pultruded panels of said ceiling element being oriented orthogonal to said longitudinal axis of said passageway,” and, thus, cannot render dependent claim 17 obvious.

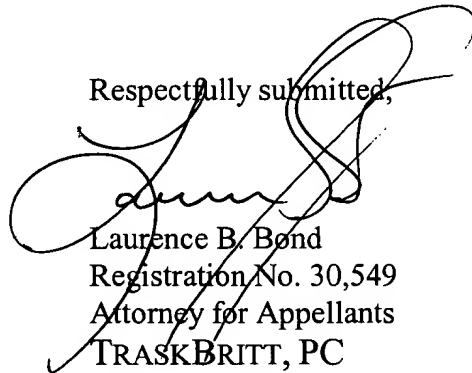
CONCLUSION

Since none of the cited references teach or suggest each and every element of any of claims 1 through 17, a *prima facie* case of obviousness cannot be established. Reconsideration and reversal of the rejections of claims 1 through 17 under 35 U.S.C. § 103(a) are requested for the foregoing reasons.

APPENDIX

Appealed claims 1 through 17 are attached hereto as Appendix A.

Respectfully submitted,



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APPENDIX A

1. (Previously presented) In a boarding bridge, a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft, wherein the improvement in said passageway comprises:

a floor element;

two wall elements positioned atop said floor element, said wall elements being positioned spacedly apart from one another and extending uprightly from said floor element;

a ceiling element positioned atop said two wall elements;

wherein said floor element, said wall elements and said ceiling element are fabricated from at least one pultruded panel.

2. (Original) The passageway of claim 1 wherein said at least one pultruded panel defines a honeycomb cross section and at least one elongate channel therein dimensioned to receive and retain wiring for servicing said passageway.

3. (Original) The passageway of claim 1 wherein said floor element, said wall elements and said ceiling element are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels being oriented parallel to a longitudinal axis of said passageway.

4. (Original) The passageway of claim 1 wherein said wall elements are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels of said wall elements being oriented orthogonal to a longitudinal axis of said passageway.

5. (Original) The passageway of claim 4 wherein said ceiling element is fabricated from a plurality of pultruded panels, each of said pultruded panels having a longitudinal axis, said longitudinal axes of said pultruded panels of said ceiling element being oriented orthogonal to said longitudinal axis of said passageway.

6. (Previously presented) A passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, wherein the improvement in said passageway comprises:

a plurality of passageway modules, each module comprising:

a floor element;

two wall elements positioned atop said floor element, said wall elements being positioned spacedly apart from one another and extending uprightly from said floor element;

a ceiling element positioned atop said two wall elements;

wherein said floor element, said wall elements and said ceiling element are fabricated from at least one pultruded panel defining a honeycomb cross section; and connection structure for interconnecting said modules, one to another at their respective ends to form a continuous passageway.

7. (Previously presented) The passageway of claim 6 wherein said connection structure comprises:

a pair of frame structures, said frame structures having an upwardly extending ear and a downwardly extending ear;

a first pair of angle defining elongate connection elements for inter-cooperating with said upwardly extending ear and two ceiling elements of said modules;

a second pair of angle defining elongate connection elements for inter-cooperating with said downwardly extending ear and two floor elements of said modules; and

engaging structure for interconnecting said first pair of angle defining elongate connection elements with said pair of frame structures and for interconnecting said second pair of angle defining elongate connection elements with said pair of frame structures.

8. (Previously presented) The passageway of claim 7 wherein said frames are quadrilateral in configuration and wherein each said frame defines a passageway opening therethrough.

9. (Previously presented) The passageway of claim 7 wherein said engaging structure comprises a nut and bolt combination.

10. (Previously presented) The passageway of claim 7 wherein each said frame includes an engagement surface configured to abut against a surface of said module sufficient to permit an adhesive bond between said engagement surface and said module surface.

11. (Previously presented) A passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, said passageway comprised of a plurality of passageway modules, wherein the improvement in each of said passageway module consists essentially of:

a floor element;

two wall elements positioned atop said floor element, said wall elements being positioned spacedly apart from one another and extending uprightly from said floor element;

a ceiling element positioned atop said two wall elements;

wherein said floor element, said wall elements and said ceiling element are fabricated from at least one pultruded panel defining a honeycomb cross section; and

connection structure for interconnecting said modules, one to another at their respective ends to form a continuous passageway, wherein said connection structure further comprises a pair of frame structures, said frame structures having an upwardly extending ear and a downwardly extending ear; a first pair of angle defining elongate connection elements for inter-cooperating with said upwardly extending ear and two ceiling elements of said modules; a second pair of angle defining elongate connection elements for inter-cooperating with said downwardly extending ear and two floor elements of said modules; and engaging structure for interconnecting said first pair of angle defining elongate connection elements with said pair of frame structures and for interconnecting said second pair of angle defining elongate connection elements with said pair of frame structures.

12. (Previously presented) The passageway of claim 11 wherein said frames are quadrilateral in configuration and wherein each said frame defines a passageway opening therethrough.

13. (Previously presented) The passageway of claim 11 wherein each said frame includes an engagement surface configured to abut against a surface of said module sufficient to permit an adhesive bond between said engagement surface and said module surface.

14. (Previously presented) The passageway of claim 12 wherein said at least one pultruded panel defines a honeycomb cross section and at least one elongate channel therein dimensioned to receive and retain wiring for servicing said passageway.

15. (Previously presented) The passageway of claim 14 wherein said floor element, said wall elements and said ceiling element are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels being oriented parallel to a longitudinal axis of said passageway.

16. (Previously presented) The passageway of claim 14 wherein said wall elements are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels of said wall elements being oriented orthogonal to a longitudinal axis of said passageway.

17. (Previously presented) The passageway of claim 14 wherein said ceiling element is fabricated from a plurality of pultruded panels, each of said pultruded panels having a longitudinal axis, said longitudinal axes of said pultruded panels of said ceiling element being oriented orthogonal to said longitudinal axis of said passageway.